IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6568 of 2005

Between:

K. Srinath Reddy S/o Lingareddy
R/o H. No. 2-21, Chityal Village and Mandal, Nalgonda District

..... PETITIONER

AND

1. The Government of A.P., rep by its Secretary, Department of

Social Welfare, AP Secretariat, Hyderabad
2 The Superintendent Engineer, Social Welfare Department,

1st Floor Social Welfare Office Complex, Masb Tank,

Hyderabad
3 The Executive Engineer, Social Welfare Department,

Nalgonda Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ, more particularly one in the nature of Mandamus declaring the action of the respondents in not paying the petitioner the balance of amount of Rs. 30,000/- with interest of at 24% for the water supply, sanitary and septic tank works of Revenue Guest House, Nalgonda, as illegal, arbitrary and unconstitutional and consequently direct the 1st and 2nd respondents to take action against the 3rd respondent.

Counsel for the Petitioner:MR.SRINIVASA RAO BODDULURI

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following O R D E R:

The petitioner seeks a Writ of Mandamus to declare the action of respondents in not paying the balance amount of Rs.30,000/- to the petitioner with interest at 24% for the water supply, sanitary and septic tank works of Revenue Guest House, Nalgonda, as illegal and arbitrary.

The grievance of the petitioner is that he has executed a contract for an amount of Rs.85,000/-, namely, providing water supply, sanitary and septic tank works of Revenue Guest House, Nalgonda in the year 1997, but, so far an amount of Rs.30,000/- is outstanding. Therefore, he made representations to the third respondent seeking payment of the outstanding amount. As the petitioner was not paid the outstanding amount, he filed the present writ petition.

Learned counsel for the petitioner contended that an amount of Rs.30,000/- is due to the petitioner. He placed reliance on the judgment of this Court reported in **G.Rajender Reddy & Co., Hyd. V. Government of A.P. (DB)**.

The above decision has no application since no final bill was prepared by the authorities in that case but, in the present case, an amount of Rs.55,113/- has been paid to the petitioner. Whether the petitioner is entitled for the amount or not is required to be decided by the competent forum. The petitioner has not filed any document to the effect that the works carried out by him amounts to Rs.85,000/-. Since the petitioner failed to establish that respondents fell due an amount of Rs.30,000/- pursuant to the contract executed, the writ petition is liable to be dismissed and is dismissed at the stage of admission. However, this order will not preclude the respondents in taking appropriate decision on the representations

made by the petitioner. No costs.

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(K.C.BHANU,J)

Dt:29.03.2005

usd

To

1. The Secretary, Government of A.P., Department of

Social Welfare, AP Secretariat, Hyderabad

2 The Superintendent Engineer, Social Welfare Department,

1st Floor Social Welfare Office Complex, Masb Tank,

Hyderabad

3 The Executive Engineer, Social Welfare Department,

Nalgonda, Nalgonda District

4. Two CCs to G.P. for Social Welfare, High Court of A.P., Hyderabad (OUT).

5. Two CD copies.

*Form-NIC-OGS/WP{**TRT**}*